

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS HEALTH
AND WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

FE DEMOLITION WEST, LLC,

Defendant.

Case No. [23-cv-06079-VC](#)

**ORDER GRANTING MOTION FOR
DEFAULT JUDGMENT**

Re: Dkt. No. 20


The motion for default judgment against Fe Demolition West is granted. This Court has jurisdiction to enter default judgment. *See* 29 U.S.C. § 1132(e). Default judgment is appropriate under the *Eitel* factors. *See Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986). The allegations in the complaint are well-pleaded and supported by the record. The amount of money at stake is relatively small. There is no reason to think that default was due to excusable neglect. The defendant’s decision not to appear suggests that no material facts are in dispute. And its decision not to appear makes a decision on the merits impossible. So a default judgment is likely the only way for the plaintiffs to recover what they are owed.¹

A separate judgment will follow.

IT IS SO ORDERED.

¹ Default judgment is appropriate even though the plaintiffs are seeking damages incurred after the complaint was filed—the complaint put Fe Demolition West on notice that it could be liable for unpaid contributions through the time of judgment. *See District Council 16 Northern California Health & Welfare Trust Fund v. Valverde*, 678 F. Supp. 3d 1142, 1146 (N.D. Cal. 2023); Dkt. No. 1 ¶ 17.

Dated: May 13, 2024



VINCE CHHABRIA
United States District Judge